IN THE HIGH COURT OF KARNATAKA AT BANGALORE DATED THIS THE 3RD DAY OF APRIL 1998

BEFORE :

THE HON'BLE MR.JUSTICE G.PATRI BASAVANA GOUD WRIT PETITION No.433/1996

Between :

Nagaraj, s/o Hanumanthappa Vanakudri, age: major, occ: Proprietor M/s. Padmavati Industries, Poona Bangalore Road, resident of Dharwad.

.. Petitioner

(By Sri.S.V.Angadi, Advocate)

And :

- The State of Karnataka by its Secretary to Govt. Labour Department, M.S.Building, Bangalore-1.
- The Presiding Officer, Labour Court, Hubli.
- 3. A.S.Ganesh s/o Shivaiah, age major, occ: nil, residing at No.10, Nerlekar Building, Lakshmi Nivas, Station Road, Dharwad.

.. Respondents

(By Sri.Ashok S. Menasinkai, Advocate for R-3 and Sri.K.H.Jagadish, HCGA)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India praying to quash Annex.A dated 24.11.1989.

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This Writ Petition is coming on for orders this day, the Court made the following:

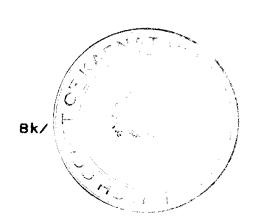
ORDER

The petitioner-employer, in this petition under Articles 226 227 of Constitution, seeks quashing of the award of Labour Court, Hubli, dated 24.11.1989 in Reference No.276/87 by which the 3rd respondent-workman was deemed to be in service and was entitled to 50% of back wages. It so happender that the said award being an exparte award. the present petitioner-employer himself approached the Labour Court to set aside the very award challenged in this writ petition and, by its order dated 16.11.1997 at Annexure-'R-1', the present petitioner-employer's aplication for setting aside the exparte award is allowed and the said award is set aside subject to payment of 50% of wages.

2. The very award that is sought to be quashed in this writ petition now no longer betthere, same having been set aside by the Labour

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Court by the above said order of 16.11.1997 at Annexure-'R-1', the writ petition has become infructuous and is disposed of as such.



Sd/= JUDGE